

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. In the specification

The specification is amended to correct a few minor informalities observed during the course of reviewing the pending application. Entry of the amendment of the specification is respectfully requested in the next Office communication.

2. In the claims

Claim 1 is currently amended to highlight additional inventive features of the invention of the pending application. Specifically, claim 1 is amended to include the recitation of a "recess" defined by each of the cutter segments at the forward end portion thereof. In concert with the recess, the cutting blades are now required as being generally secured within a recess of a corresponding one of the cutter support segments so that the cutting edge of each of the cutting blades extends beyond a forward edge of the corresponding cutter support segment. Lastly, the pivot pins are particularly described as being located over at least a portion of a corresponding one of the cutting blades.

Support for the amendment of claim 1 is found in paragraph [0030] of the written description, and in Figs. 5 and 6. Therefore, no new matter is introduced into the application by way of this amendment.

The current amendment of claim 1 is provided on the basis of the following reasons.

First, the recess is provided to distinguish the cutter support segments of the pending application from those shown and described in U.S. patent 5,694,824 (Jacko

et al.) since the Jacko et al. patent clearly does not disclose or suggest a recess wherein the cutting blade is secured.

Next, the description of the pivot pins extending over at least a portion of the cutting blades clarifies what was originally meant by the phrase "closely adjacent." More specifically, because the cutting blades are described as being secured within the recesses of the cutter support segments, which are now identified as being located at a forward edge portion thereof, it is clear that the pivot pins must be in close approximation to the forward edge of the cutter support segments.

It will be noted that this particular amendment was not made in response to a rejection under any paragraph of 35 U.S.C. 112, and is not intended to narrow the scope of the claim.

New claims 15 and 16 are dependent from claim 1. These claims describe the inner and outer clamping members illustrated in Figs. 5 and 7, and discussed in paragraphs [0029] and [0030] in the written description.

New claim 17 is an independent claim reciting a cutter support segment and cutting blade assembly recited in claims 1, 15 and 16.

In view of these observations, entry of the amendment of claim 1 and new claims 1, 15 and 16 is respectfully requested in the next Office communication.

3. Rejection of claims 1, 3, 4 and 10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,694,824 (Jacko et al.)

Rejection of claims 1-6, 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,694,824 (Jacko et al.)

This rejection is traversed in view of the amendment of claim 1 wherein the Jacko et al. patent fails to disclose or suggest each and every feature of amended claim 1. As a result, claim 1 is patentable over and not anticipated by the Jacko et al.

patent. Claims 2-6, 9 and 10 are patentable based on their dependency from claim 1 and their individually recited features.

Specifically, the Jacko et al. patent does not disclose or suggest a cutting head including a plurality of cutter support segments each having a recess at forward end portions thereof wherein a cutting blade is secured such that the cutting edge of the blade extends beyond a forward edge of the cutter support segments. Moreover, the Jacko et al. patent fails to describe pivot pins that are located over at least a portion of the cutting blades.

Turning specifically to the Jacko et al. patent, it is abundantly clear in view of Figs. 5, 6 and 11 that there is no recess defined by the cutter support segments 52 wherein the cutting blades 54 are secured. Instead, as shown in the Jacko et al. patent and in referring specifically to applicant's admitted prior art, the known cutter support segments 16 have clamping members 34 that are secured to the cutter support segments 16 and position the cutting blades 18 outside the cutter support segments.

The description in the Jacko et al. patent and applicant's admitted prior art demonstrate that the prior art does not disclose or suggest the recess of the cutter support segments in combination with the positioning of the cutting blades within such recess. As a result, the Jacko et al. patent and applicant's admitted prior art cannot be construed to disclose or suggest the positioning of the pivot pins relative to the cutting blades that is required by claim 1.

Concerning the pivot pins, the Jacko et al. patent illustrates in Fig. 5 the pivot pins 55 as being located substantially outside an area corresponding to the cutting blade 54. This is contrary to the placement required by claim 1; the pivot pins must extend coaxially opposed from one another from the upper and lower portions of each of the cutter support segments over at least a portion of a corresponding one of the cutting blades.

Despite the assertion made in the action that it is not inventive to merely shift the location of parts, the placement of the pivot pins in combination with the recess and placement of the cutting blades within such recess of the cutter support segments constitutes more than the mere shift of parts. Instead, an inventive feature of the pending application is the combination of the features of claim 1 which, as specifically described in paragraph [0009] of the written description, improve the precision of the adjustability of the gate opening of the cutting head due to the ability to position the pivot pins closely to the forward edge of the cutter support segments.

It is the combination of the recess and placement of the cutting blade therein, at least in part, that permits the placement of the pivot pins close to the forward edge of the cutter support segments and the cutting edge of the cutting blades. Therefore, the cutting head of claim 1 contains features that extend beyond merely a shift in location of parts, by providing a combination of features that lead to significant adjustment advantages over the cited prior art.

The cited prior art of record simply fails to provide a description as to the combination of the features required in the cutting head of claim 1, and it is submitted that there is no suggestion found in the cited prior art references that would motivate one skilled in the art of cutting heads to provide the combination and placement of features in the cutting head of claim 1 to improve adjustability of the cutting blades.

As is well understood, the mere fact that one could rearrange parts of a prior art device to meet the terms of the pending claims is not by itself sufficient to support a finding of nonobviousness. The prior art must provide a motivation or reason for one skilled in the art, without the benefit of the pending application, to make the necessary changes in the prior art device. *Ex parte Chicago Rawhide mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter 1984); MPEP 2144.04.

In the action, official notice is taken as to the fact that it is well known for positioning elements to be immediately adjacent a cutting gap. Despite official notice

on this fact, the action fails to provide any evidence that would motivate one skilled in the art to modify the Jacko et al. patent to make a cutter support segment having pivot pins that are closely adjacent to the forward end thereof.

Applicants respectfully disagree with the premise in the action that indicates that a skilled artisan would simply modify the cutter support segments and pivot pins thereof by moving the pivot pins closer to the cutting edge of the cutting blade. In view of amended claim 1, such configuration isn't as simple and straightforward as alleged in the action since claim 1 prescribes reconfiguration of greater nature than a mere replacement and relocation of parts.

In fact, a skilled artisan would not be motivated to provide pivot pins on a cutter support segment over at least a portion of a cutting blade, as currently recited in claim 1, since it is clear that the clamping members of the Jacko et al. patent place the cutting blade well beyond the forward edge of the cutter support segment. Absent the pending application, it is submitted that a skilled artisan would not be motivated to reconfigure the cutter support segments of the Jacko et al. patent in the manner prescribed by pending claim 1 since there is no suggestion to do so in the Jacko et al. patent. Further, in order to modify the cutter support segments to obtain the configuration required by amended claim 1, substantial reconfiguration would be required. The Jacko et al. patent is simply silent as to suggesting any such substantial reconfiguration. Moreover, common knowledge of the type referred to in the Action would also not suggest the arrangement prescribed by claim 1 due to the substantial reconfiguration required of the cutting head according to the Jacko et al. patent.

Additionally, new claims 15-17 specifically describe the clamping members as being stored at least substantially within the recess. Unlike the clamping members illustrated in Figs. 5 and 6 of the Jacko et al. patent and in applicant's admitted prior art, the clamping members of the pending application are substantially located within

the recess so that there is minimal excursion of the cutting edge of the cutting blades in the central portion of the cutting head.

In view of these observations, it is respectfully submitted that the cutting head of claims 1-6, 9, 10 and 15-17 is novel and non-obvious in view of the Jacko et al. patent and the common knowledge used for the official notice provided in the action. Withdrawal of the rejection of claims 1-6, 9 and 10 is therefore kindly requested.

4. Conclusion

In view of the amendment of claim 1, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that each and every pending claim in the pending application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", with a stylized flourish at the end.

Date: June 16, 2005

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